

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA * Case No. 1:19CR639-1
*
vs. * Greensboro, North Carolina
* May 12, 2020
WALTER CLIFTON WOOD, * 9:55 a.m.
*
Defendant. *

TRANSCRIPT OF CHANGE OF PLEA HEARING VIA VIDEO
BEFORE THE HONORABLE CATHERINE C. EAGLES
UNITED STATES DISTRICT JUDGE

APPEARANCES VIA VIDEO:

For the Government: NICOLE R. DUPRE, ESQUIRE
Office of the United States Attorney
101 S. Edgeworth Street, 4th Floor
Greensboro, North Carolina 27401

For the Defendant: AARON B. WELLMAN, ESQUIRE
Ivey, McClellan, Gatton & Siegmund,
LLP
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Court Reporter: Lori Russell, RMR, CRR
P.O. Box 20593
Winston-Salem, North Carolina 27120

Proceedings recorded by stenotype reporter.
Transcript produced by Computer-Aided Transcription.

PROCEEDINGS

(Defendant present via video.)

THE COURT: Good morning. Court is in session. I'm a minute or two early. Is everybody ready? Yes. Okay.

The Court calls the case of United States against Walter Clifton Wood, proceeding by video conference.

First, we'll just be sure that the technology is working well.

9 I'll ask the deputy clerk if before court started just
10 moments ago you were able to get everybody online without
11 problem, and if everybody could see and hear.

12 || **THE CLERK:** Yes, Judge.

13 **THE COURT:** Did you give Mr. Wellman and Mr. Wood an
14 opportunity to have a private breakout session?

15 || **THE CLERK:** Yes, Judge.

16 THE COURT: Mr. Wellman, can you see and hear?

17 You have to unmute yourself.

18 || **MR. WELLMAN:** Okay. Yes, I can.

19 **THE COURT:** Okay. And were you and Mr. Wood able to
20 have a private conference, or did you not need that?

21 **MR. WELLMAN:** We had a private conference as
22 necessary, Your Honor.

23 **THE COURT:** Right. If you need one again at any point
24 during the proceedings, just let me know.

25 || **MR. WELLMAN:** Thank you.

1 **THE COURT:** Thank you.

2 Ms. DuPre is here for the Government.

3 Have you been able to see and hear?

4 **MS. DUPRE:** Yes, ma'am. Thank you.

5 **THE COURT:** Okay. Mr. Wellman, just mute yourself
6 after you finish talking each time. It improves the audio.
7 Thank you.

8 I see the court reporter.

9 Have you been able to see and hear everyone?

10 She's nodding yes.

11 And my law clerk is on the line.

12 Can you see and hear everyone?

13 She's nodding yes.

14 Okay. Mr. Wood, good morning.

15 **THE DEFENDANT:** Good morning.

16 **THE COURT:** Have you been able to see and hear
17 everyone?

18 **THE DEFENDANT:** Yes, ma'am.

19 **THE COURT:** And were you and your lawyer able to have
20 a private conference, just the two of you, before court
21 started?

22 **THE DEFENDANT:** Yes, ma'am.

23 **THE COURT:** I just want to let you know the court
24 reporter is not there for that. Nobody is listening in, so
25 that is a confidential communication; and if you need to talk

1 to your lawyer during this hearing, you just let me know; and
2 we can arrange that. Okay?

3 **THE DEFENDANT:** Okay.

4 **THE COURT:** The court reporter is present. She's
5 preparing the official record of these proceedings by way of
6 written transcript.

7 There is no video recording of this hearing. We don't
8 video live court appearances when, you know, the hearings
9 happen in court, so we don't do a video recording of this
10 either.

11 If at any time anyone has trouble hearing or seeing, please
12 get my attention and let me know so we can do our best to fix
13 that. It is important for everyone to see and hear.

14 Mr. Wood, you in particular have that right to see and hear
15 everything that's happening. So if you have any problems with
16 that, you let me know. All right?

17 **THE DEFENDANT:** Yes, ma'am.

18 **THE COURT:** The prerequisites for a remote video
19 hearing are in place with findings by the Judicial Conference
20 and an order by the chief judge of this district authorizing
21 video conferencing for felony guilty pleas.

22 These hearings can take place only if the defendant
23 consents and if the presiding judge, which would be me, finds
24 that delay would cause serious harm to the interests of
25 justice. I'll have some questions about that as we go along to

1 be sure this is appropriate for video hearing.

2 All right. We'll get started. I'll start by --

3 Mr. Wellman, with you.

4 Have you had enough time to consult with Mr. Wood and to
5 review the discovery and other relevant information?

6 **MR. WELLMAN:** I have.

7 **THE COURT:** And is -- the person on the video screen
8 identified as Mr. Wood, is he the person you've been dealing
9 with here as the defendant?

10 **MR. WELLMAN:** Yes, ma'am.

11 **THE COURT:** Are you ready to proceed with the change
12 of plea hearing?

13 **MR. WELLMAN:** We are.

14 **THE COURT:** Do you believe Mr. Wood understands the
15 charges and the nature of this hearing?

16 **MR. WELLMAN:** Yes, Your Honor.

17 **THE COURT:** Have you consulted with him about whether
18 he wants to consent to conducting this hearing by video
19 conference?

20 **MR. WELLMAN:** I have.

21 **THE COURT:** And what's your understanding?

22 **MR. WELLMAN:** That he is willing to proceed by video
23 conference.

24 **THE COURT:** Has anyone made any threats or promises to
25 induce his guilty plea, other than promises in the plea

1 agreement?

2 **MR. WELLMAN:** Not to my knowledge.

3 **THE COURT:** And it's my understanding he wants to
4 plead guilty to Count Two, transporting child pornography,
5 pursuant to a plea agreement; is that correct?

6 **MR. WELLMAN:** That is correct.

7 **THE COURT:** Is it your recommendation -- is it your
8 recommendation that the Court accept his guilty plea?

9 **MR. WELLMAN:** It is.

10 **THE COURT:** I know this pandemic has disrupted client
11 communications, along with all kinds of other communications
12 out there in the world. I don't want you to tell me about the
13 substance of your communications with Mr. Wood, but I do want
14 to confirm that you've been able to talk to him. If you can
15 just summarize the ways and means that you've communicated with
16 him about this case leading up to today.

17 **MR. WELLMAN:** Your Honor, I have continued to visit
18 him at the Alamance County jail in person.

19 **THE COURT:** Okay. Great. Thank you.

20 And did you review the written factual basis proffered by
21 the Government with him?

22 **MR. WELLMAN:** I did.

23 **THE COURT:** Does he have copies of his plea agreement
24 and the factual basis?

25 **MR. WELLMAN:** Yeah, I believe so.

1 **THE COURT:** You gave them to him anyway?

2 **MR. WELLMAN:** Yes.

3 **THE COURT:** I'll ask him in a second.

4 Okay. Mr. Wood, we're ready to start with my questions to
5 you. The first thing that we will do is that the courtroom
6 deputy will affirm you to give truthful answers to my
7 questions, so please listen to her.

8 (The Defendant was placed under oath.)

9 **THE COURT:** All right. Mr. Wood, you are under oath,
10 and it is a crime to tell me a lie.

11 Do you understand that?

12 **THE DEFENDANT:** Yes, ma'am.

13 **THE COURT:** And can you see and hear me all right?

14 **THE DEFENDANT:** Yes, ma'am.

15 **THE COURT:** Tell me your full name.

16 **THE DEFENDANT:** Walter Clifton Wood.

17 **THE COURT:** How old are you?

18 **THE DEFENDANT:** Forty-three.

19 **THE COURT:** How far did you go in school?

20 **THE DEFENDANT:** I graduated high school and got three
21 years of college.

22 **THE COURT:** Do you take any prescription medicine?

23 **THE DEFENDANT:** Yeah, I take quite a few for my heart
24 and everything.

25 **THE COURT:** All right. So you take some -- do you

1 take anything that causes you to be disoriented or confused?

2 **THE DEFENDANT:** No, ma'am.

3 **THE COURT:** So you take several medicines for your
4 heart. Do you take medicines for any other condition?

5 **THE DEFENDANT:** No.

6 **THE COURT:** No.

7 Are you getting any treatment for any mental health issues
8 or addiction?

9 **THE DEFENDANT:** Not -- not at the moment.

10 **THE COURT:** Not at the moment. Were you before you
11 were arrested?

12 **THE DEFENDANT:** No, ma'am.

13 **THE COURT:** And have you recently been treated for
14 anything, say maybe three or four months ago while you were in
15 custody, if you've been in custody that long? It sounded like
16 you had gotten some treatment for mental health issues. I just
17 was trying to figure out when that was.

18 **THE DEFENDANT:** Well, I put a request in to see me for
19 depression, but they never did see me, so --

20 **THE COURT:** I see. When was the last time you had any
21 alcohol, drugs, or medicine that was not prescribed for you?
22 Approximately.

23 **THE DEFENDANT:** Approximately, probably about six
24 years ago.

25 **THE COURT:** Six years. Okay.

1 Are any of the medicines you're taking pain medicines or
2 narcotics?

3 **THE DEFENDANT:** No, ma'am.

4 **THE COURT:** And are -- if you have any trouble hearing
5 me, as I say, you just let me know.

6 Did you receive a copy of the indictment with the charge --
7 written charges against you?

8 **THE DEFENDANT:** Yes, ma'am.

9 **THE COURT:** Were you able to read it?

10 **THE DEFENDANT:** Yes, ma'am.

11 **THE COURT:** Did you understand the indictment and the
12 charges you are facing?

13 **THE DEFENDANT:** Yes, ma'am.

14 **THE COURT:** Have you had enough time to talk to your
15 attorney about your case?

16 **THE DEFENDANT:** Yes, ma'am.

17 **THE COURT:** Have you fully discussed the charges with
18 him and talked to him about your situation, the evidence
19 against you, and any defenses you might have?

20 **THE DEFENDANT:** Yes, ma'am.

21 **THE COURT:** Have you talked to him about the penalties
22 for these crimes and the consequences of a guilty plea?

23 **THE DEFENDANT:** Yes, ma'am.

24 **THE COURT:** Have you talked to him about your right to
25 consent to this video hearing, and your right to not consent

1 and to wait until we can do it in person?

2 **THE DEFENDANT:** Yes, ma'am.

3 **THE COURT:** Are you satisfied with his representation?

4 **THE DEFENDANT:** Yes, ma'am.

5 **THE COURT:** Now, we're here this morning because
6 you've signed a written plea agreement indicating you want to
7 plead guilty to Count Two, transporting child pornography.
8 Before you can do that, I have a number of questions to ask you
9 to be sure you understand your right to a trial, the elements
10 of this crime, the right to be physically present for this
11 hearing, penalties for this crime, and the sentencing process.
12 We'll also go over your plea agreement.

13 After I go over all those things with you, I'll ask you how
14 you plead to Count Two, transporting child pornography. If you
15 want to go forward with the guilty plea, you can say, "Guilty."
16 If you do not, if you would rather have a trial, you tell me
17 then or anytime leading up to (indiscernible audio) --

18 (Court reporter requested clarification.)

19 **THE COURT:** We're here today, Mr. Wood, because you
20 have signed a written plea transcript indicating you want to
21 plead guilty to Count Two, transporting child pornography.
22 Before you can do that, I need to go over a number of things
23 with you to be sure you want to consent to a video hearing
24 today, to be sure you understand your right to a trial, to be
25 sure you know the elements of this crime and the penalties for

1 it, to be sure you understand how the sentencing process works,
2 and to be sure we're all on the same page about your plea part.

3 At the end of all those questions, I'll ask you how you
4 plead guilty to Count Two, transporting child pornography. If
5 you want to plead guilty pursuant to the plea agreement, you'll
6 say, "Guilty." If you don't, if you decide you want a trial,
7 you just let me know and say, "I want to plead not guilty," or
8 "I want a trial," or words to that effect; and we'll set your
9 case for trial.

10 Do you have any questions about that process?

11 **THE DEFENDANT:** No, ma'am.

12 **THE COURT:** Can I confirm with the court reporter that
13 she could hear me better?

14 Yes. Okay. I'll try to look at the mic. I try to look
15 down at Mr. Wood, who is near the bottom of my screen, but I'll
16 try to do better with the mic there.

17 Now, as I say, Mr. Wood, you have the right to wait to
18 plead guilty until we can bring you into the courtroom for that
19 and have an in-person hearing, but you do have the right to
20 consent to this change of plea hearing being conducted by
21 video.

22 What do you want to do about that?

23 **THE DEFENDANT:** I'm happy with this. I consent to the
24 video conference.

25 **THE COURT:** All right. You've been able to see and

1 hear everyone well?

2 **THE DEFENDANT:** Yes, ma'am.

3 **THE COURT:** And you understand that if at any time you
4 need to talk to Mr. Wellman privately, you can do that? All
5 you have to do is ask. Do you understand?

6 **THE DEFENDANT:** Yes, ma'am.

7 **THE COURT:** And, of course, you also have the right to
8 hear everything and see everything. So if at any point you're
9 having trouble with the audio or video, you just let me know;
10 and we'll repeat that. All right?

11 **THE DEFENDANT:** Yes, ma'am.

12 **THE COURT:** Now, earlier the court reporter indicated
13 I was a little garbled on one part. Was I garbled to you?

14 **THE DEFENDANT:** You sound fine to me.

15 **THE COURT:** All right. So you got to hear part of it
16 twice then?

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** That's okay. We sometimes have problems
19 like that in the courtroom. So if we do have them, you just
20 tell me.

21 I find that Mr. Wood has consented voluntarily and
22 knowingly to proceed by video conference today with his change
23 of plea hearing.

24 As to his case, I note that he is in custody in the
25 Alamance County jail. It looks like he was indicted late last

1 year. His plea agreement was signed on April 1st. Clearly, he
2 has a right to prompt resolution of his case; and his interest
3 in a speedy trial is important. So if he's ready to resolve
4 his case, that would be a good reason to proceed by video,
5 especially in conjunction with the public interest in avoiding
6 delay in criminal proceedings.

7 I think there's also, given the pandemic, a public interest
8 in health and safety within the jails and moving people out of
9 the jails as quickly as we can, which is obviously facilitated
10 by an earlier resolution of the case.

11 Those things are generally true in all cases we do by
12 video. If there are any particular additional facts that apply
13 to Mr. Wellman's -- excuse me -- Mr. Wood's situation, I'll
14 give counsel an opportunity to tell me.

15 Mr. Wellman, any additional facts that support holding this
16 matter by video conference?

17 **MR. WELLMAN:** Well, Your Honor, just -- I know
18 Mr. Wood does have -- other than his medical conditions that he
19 takes prescriptions for, he has other concerns himself just
20 about being transported back and forth with him having to go to
21 the courthouse and so forth. So I think just on his own
22 concerns about his health, he was more comfortable staying at
23 the jail himself. So I would add that.

24 **THE COURT:** Thank you for telling me that. I should
25 have realized that because he told me about his health, his

1 heart problems.

2 Ms. DuPre, any additional facts you would point out?

3 **MS. DUPRE:** Just given the fact that the county jails
4 are already suffering from some overcrowding during the
5 pandemic, and Mr. Wood's desire to proceed I think outweighs
6 any reason to wait for the in-person hearing, and I think the
7 interests of justice are best served by a -- continuing by
8 video conference.

9 **THE COURT:** Okay. The Court finds, based on the need
10 for prompt resolution of pending cases, the delays that have
11 already occurred because of the pandemic, the Defendant's
12 desire to reduce his exposure to the -- potential exposure to
13 the disease during transport to and from prison -- to and from
14 the jail and the courthouse given his specific health issues,
15 and of course, the hope that we can keep the disease out of the
16 jails, which is obviously a risk as well, those factors all
17 support conducting this hearing today. There is a significant
18 interest in prompt resolution of this matter, and the interests
19 of justice would be harmed if we were to delay.

20 Now, as I say, Mr. Wood, you do have the right to plead not
21 guilty if you want to. Excuse me. Allergies. The -- you've
22 signed a plea agreement; but if you change your mind while
23 we're talking, you just let me know. It's very hard to change
24 your mind once you plead guilty, so you need to be sure before
25 you plead guilty.

1 Do you understand?

2 **THE DEFENDANT:** Yes, ma'am.

3 **THE COURT:** You do have the right to plead not guilty
4 and to have a jury trial. At a trial you would be presumed
5 innocent, and the Government would have the burden to prove
6 your guilt beyond a reasonable doubt. This means that they
7 would have to prove each and every element of the specific
8 crime charged before you could be found guilty of that
9 particular crime.

10 Do you understand those rights?

11 **THE DEFENDANT:** Yes, ma'am.

12 **THE COURT:** You have the right to the assistance of
13 counsel at all stages of the proceeding, including a trial; and
14 if you plead not guilty, Mr. Wellman will continue to represent
15 you at trial at no cost to you.

16 You have a right to be present for the trial, and to see
17 and hear the testimony of all the witnesses. You have the
18 right to listen to the Government's witnesses when they
19 testify, and your attorney can ask them questions on
20 cross-examination. You have the right to compel the attendance
21 of witnesses to testify in your defense if you wish, and this
22 can be done at no cost to you.

23 Do you understand these rights?

24 **THE DEFENDANT:** Yes.

25 **THE COURT:** You have the right to testify at trial if

1 you wish, but you are not required to do so. You do have the
2 privilege to remain silent. And while you have the right to
3 present evidence in your defense, you are not required to do
4 so. If you choose not to testify or not to present evidence,
5 the Court will instruct the jury not to hold this against you
6 and not to consider it in determining your guilt.

7 Do you understand?

8 **THE DEFENDANT:** Yes, ma'am.

9 **THE COURT:** Do you have questions about any of these
10 rights related to trial I've just summarized for you?

11 **THE DEFENDANT:** No, ma'am.

12 **THE COURT:** If you plead guilty today, you are giving
13 up all of these rights that I just summarized.

14 Do you understand?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** I see you have a written plea agreement.
17 Have you read it?

18 **THE DEFENDANT:** Yes, ma'am.

19 **THE COURT:** Have you had time to talk to your lawyer
20 about it?

21 **THE DEFENDANT:** Yes, ma'am.

22 **THE COURT:** Do you understand the plea agreement?

23 **THE DEFENDANT:** Yes, ma'am.

24 **THE COURT:** It looked to me like you signed it about
25 six weeks ago on April 1st. Do you remember signing it?

1 **THE DEFENDANT:** Yes, ma'am.

2 **THE COURT:** I'll ask Mr. Wellman to summarize the plea
3 agreement, particularly the plea bargain provision.

4 **MR. WELLMAN:** Thank you, Your Honor.

5 The -- Mr. Wood -- under the plea agreement, Mr. Wood is
6 entering a voluntary plea of guilty to Count Two,
7 transportation of child pornography. He understands the
8 elements of that offense, and he understands the burden that
9 would be on the Government to prove that offense at trial.

10 He understands that there is a mandatory minimum of 5 years
11 and maximum of 20 years associated with that offense, as well
12 as the fine amounts. Your Honor, he also understands the
13 possibility of enhanced penalties. Your Honor, he understands
14 the terms of supervised release that would be associated with
15 that, and he understands the special assessments that go along
16 with charges like this.

17 The plea bargaining in the case is that upon his plea of
18 guilty to Count Two, the Government will not oppose a motion to
19 dismiss the remaining three counts in the indictment; that if
20 the Court should determine that he qualifies for a two-point
21 decrease for acceptance of responsibility, the Government will
22 recommend an additional point decrease if his level is 16 or
23 more.

24 Your Honor, he is agreeing to pay whatever restitution may
25 be ordered for additional monetary provisions of the plea

1 agreement; and Your Honor, he will disclose his financial
2 affairs.

3 Your Honor, he is consenting to abandon any interest in
4 whatever property has been seized, Your Honor; and he is, Your
5 Honor -- there is a plea -- there is an appeal waiver as well
6 in exchange for the dismissal of the additional counts, with
7 certain exceptions for if Your Honor were to enter a sentence
8 above the maximum or some other unconstitutional factor.

9 That would be the substance of the plea agreement.

10 **THE COURT:** It looks like he's giving up some rights
11 to request certain kinds of public information; and also
12 agreeing that if for any reason his guilty plea or conviction
13 was set aside, that his statements made to me today, including
14 any plea of guilty, could be entered in evidence against him.
15 Is that right?

16 **MR. WELLMAN:** That's correct.

17 **THE COURT:** Okay. Mr. Wood, is that an accurate
18 summary of your agreement with the Government?

19 **THE DEFENDANT:** Yes, ma'am.

20 **THE COURT:** Has anybody made any promises to you that
21 Mr. Wellman did not mention?

22 **THE DEFENDANT:** No, ma'am.

23 **THE COURT:** And does the written agreement contain all
24 of the terms and conditions of your arrangement with the
25 Government?

1 **THE DEFENDANT:** Yes, ma'am.

2 **THE COURT:** Do you have any questions about the plea
3 agreement?

4 **THE DEFENDANT:** No, ma'am.

5 **THE COURT:** In the plea agreement, the Government has
6 agreed to make some recommendations to the Court about your
7 guideline range and acceptance of responsibility. Those are
8 recommend -- that's a recommendation only. It is not binding
9 on the Court. So if the Court does not follow that
10 recommendation, that is not a reason to withdraw your guilty
11 plea.

12 Do you understand?

13 **THE DEFENDANT:** Yes, ma'am.

14 **THE COURT:** Has anyone made any threats or attempted
15 to force you to plead guilty against your wishes?

16 **THE DEFENDANT:** No, ma'am.

17 **THE COURT:** You have been charged with and your plea
18 agreement calls for you to plead guilty to Count Two,
19 transporting child pornography. The elements of this offense
20 are that on or about July 10th, 2018, in Surry County, you
21 knowingly transported and shipped child pornography using any
22 means or facility of interstate or foreign commerce, or in or
23 affecting interstate or foreign commerce by any means,
24 including a computer -- specifically here, that you downloaded
25 child pornography from the Internet onto your computer and

1 phones, and uploaded it into your cloud storage account -- and
2 that you knew the material contained child pornography.

3 Do you understand those elements?

4 **THE DEFENDANT:** Yes, ma'am.

5 **THE COURT:** If you plead not guilty, the Government
6 has to prove those things beyond a reasonable doubt. If you
7 plead guilty, you're admitting each and every one of those
8 things.

9 Do you understand?

10 **THE DEFENDANT:** Yes, ma'am.

11 **THE COURT:** This crime does carry a mandatory minimum
12 prison term of 5 years. The statutory maximum is 20 years. So
13 this means that you will be going to prison for somewhere
14 between 5 and 20 years. That 5-year minimum is in the statute
15 enacted by Congress, so I don't have any discretion about that.

16 There's a fine of up to \$250,000 that can be imposed. The
17 fine can be larger than that should the gross gain or loss
18 caused by the crime be greater.

19 Supervised release is required after the active prison term
20 for at least five years, and it can last as long as life.

21 Forfeiture of any of the visual depictions in your phone
22 and computer is authorized by law, and I believe that's in your
23 plea agreement.

24 There is mandatory restitution, and a special assessment of
25 a hundred dollars is required, as is an additional assessment

1 because of the nature of this offense of \$5,000, unless you are
2 indigent.

3 You will have to register as a sex offender.

4 Do you have any questions about any of those penalties I've
5 just been over?

6 **THE DEFENDANT:** No, ma'am.

7 **THE COURT:** Do you understand that I can't go below 5
8 years on your sentence; I can't go above 20 years on your
9 sentence?

10 **THE DEFENDANT:** Yes, ma'am.

11 **THE COURT:** Now, parole has been abolished. You will
12 not be released early on parole.

13 The law, as I mentioned, does require a period of at least
14 five years on supervised release after your active prison term.
15 At your sentencing hearing the Court will decide how long your
16 supervised release is, and the Court will also decide what
17 conditions you'll have to comply with while you're on
18 supervised release. Ordinarily, it's things like warrantless
19 searches to be sure you don't have any child pornography,
20 combined with sex registration -- sex offender registration
21 laws, things like that.

22 If you violate those conditions, the Court can revoke your
23 supervised release and send you back to prison. That
24 additional time can be quite substantial. The Court may also
25 require additional time on supervised release after that second

1 prison term.

2 Do you understand?

3 **THE DEFENDANT:** Yes, ma'am.

4 **THE COURT:** Do you have any questions about what I
5 just said?

6 **THE DEFENDANT:** No, ma'am.

7 **THE COURT:** There are other consequences to a guilty
8 plea. You will have a felony conviction, and it will be
9 illegal for you to possess a firearm or ammunition. You will
10 give up certain civil rights, such as the right to vote, the
11 right to hold public office, and the right to serve on a jury
12 for a period of time; and if you were not a citizen, you almost
13 certainly would be deported.

14 Do you understand those rights?

15 **THE DEFENDANT:** Yes, ma'am.

16 **THE COURT:** Where were you born?

17 **THE DEFENDANT:** Where was I born?

18 **THE COURT:** Yes.

19 **THE DEFENDANT:** Forsyth County.

20 **THE COURT:** Do you have any questions at all about the
21 penalties for this crime or the consequences of a guilty plea?

22 **THE DEFENDANT:** No, ma'am.

23 **THE COURT:** If you plead guilty and the Court accepts
24 your guilty plea, your sentencing hearing will be in several
25 weeks.

1 In the meantime, the probation office will prepare a
2 presentence report. It will have a lot of information in it
3 about you and your background and circumstances, and about the
4 crime that you pled guilty to. It will also contain a proposed
5 sentencing guideline range taking into account the specifics of
6 your case and your situation.

7 I -- you and your attorney, as well as the Government, will
8 have a chance to review that presentence report. You can
9 object if there are mistakes in it or if you disagree with the
10 guideline range. At your sentencing hearing the Court will
11 resolve any disputes and will make the final decision about
12 your sentencing guideline range.

13 Once the Court determines your guideline range, the Court
14 always considers it. It is important, but it is not binding.
15 It's advisory only. Sometimes there's a reason for a shorter
16 sentence, though I can't go below 5 years; and sometimes
17 there's a reason for a longer sentence, though, of course, I
18 can't go above 20 years. Those are the statutory bookends for
19 this sentence.

20 The Court will decide your individual sentence at your
21 sentencing hearing and only after reviewing the presentence
22 report, considering the guidelines, listening to any other
23 evidence, giving your attorney and the prosecutor a chance to
24 speak, and giving you a chance to speak.

25 Do you understand how the sentencing process works?

1 **THE DEFENDANT:** Yes, ma'am.

2 **THE COURT:** Any questions about it?

3 **THE DEFENDANT:** No, ma'am.

4 **THE COURT:** As you can see, no one today knows what
5 your guideline range is, and no one knows what your sentence is
6 going to be. Your attorney may have given you some numbers as
7 estimates of your guideline range, or talked to you about
8 sometimes what happens in other cases where people have pled
9 guilty to this kind of crime or a similar crime; but he can't
10 tell you what's going to happen in your case because I don't
11 know what's going to happen in your case. So he can't make any
12 predictions or guarantees about that.

13 Do you understand?

14 **THE DEFENDANT:** Yes, ma'am.

15 **THE COURT:** If your guideline range or your sentence
16 should turn out to be different than any estimates your
17 attorney has given you, that is not a basis to withdraw your
18 guilty plea.

19 Do you understand?

20 **THE DEFENDANT:** Yes, ma'am.

21 **THE COURT:** Has anyone made any promises or guarantees
22 to you about your guideline range or your specific sentence,
23 other than telling you about the 5-year minimum and the 20-year
24 maximum?

25 **THE DEFENDANT:** No, ma'am.

1 **THE COURT:** Now, ordinarily, you and the Government
2 would have certain rights to appeal your sentence. You would
3 have certain rights to challenge your conviction and sentence
4 after it becomes final. By your plea agreement, you are
5 substantially reducing and limiting those rights, and you can
6 only appeal or challenge your conviction after it becomes final
7 based on a sentence in excess of the statutory maximum, a
8 sentence based on an unconstitutional factor, or should the
9 Government appeal the sentence.

10 **THE DEFENDANT:** Yes, ma'am.

11 **THE COURT:** And you can raise those same issues on
12 postconviction, as well as ineffective assistance of counsel or
13 prosecutorial misconduct not known to you today.

14 Do you have any questions about the limits you've agreed to
15 on your appeal rights and your collateral relief right?

16 **THE DEFENDANT:** No, ma'am.

17 **THE COURT:** You've also agreed as part of your plea
18 agreement that should your conviction or sentence be set aside
19 for any reason, the statements you make to me here today,
20 including your guilty plea, will be admissible in evidence
21 against you. Ordinarily, they are not.

22 Do you understand that waiver and agreement?

23 **THE DEFENDANT:** Yes, ma'am.

24 **THE COURT:** Now, if you plead guilty, you're admitting
25 the elements of this crime; you're giving up your

1 constitutional rights to a trial; and you are accepting the
2 terms of the written plea agreement.

3 Do you understand?

4 **THE DEFENDANT:** Yes, ma'am.

5 **THE COURT:** Do you have any questions about anything
6 we've talked about here today or otherwise about this case?

7 **THE DEFENDANT:** No, ma'am.

8 **THE COURT:** Now, the next question I will ask you is
9 how you plead to Count Two, transporting child pornography; and
10 that's where you'll tell me you plead guilty or you've changed
11 your mind. Before I ask you that question, do you need to talk
12 to Mr. Wellman privately? I'll be glad to give you a chance if
13 you do.

14 **THE DEFENDANT:** No, ma'am, I'm good.

15 **THE COURT:** I'm sorry?

16 **THE DEFENDANT:** No, ma'am.

17 **THE COURT:** Okay. How do you plead to Count Two in
18 the indictment, transporting child pornography?

19 **THE DEFENDANT:** Guilty.

20 **THE COURT:** And are you pleading guilty because you
21 are, in fact, guilty?

22 **THE DEFENDANT:** Yes, ma'am.

23 **THE COURT:** The Court finds that the Defendant is
24 competent and capable of making informed decisions; and that in
25 entering an informed plea to this charge, he has consented to

1 plead guilty in a video conference hearing; and he is aware of
2 the nature of the charges and the consequences of a guilty
3 plea; his plea of guilty is knowing and voluntary.

4 I think I forgot to say earlier that the courtroom is open,
5 and the courthouse is open. We have had occasional spectators
6 during some of these video conferences, so -- and we do have
7 monitors set up so that anyone in the courtroom can see the
8 same thing that we are all seeing on the video screen. There
9 is nobody here, as it happens; but the courtroom is open and
10 public.

11 Now let's turn to the factual basis.

12 Mr. Wellman, I believe you told me that you had given
13 Mr. Wood a copy; is that right?

14 **MR. WELLMAN:** Your Honor, I'll -- what I'll say is
15 that I certainly made one available. I can't recall what
16 Mr. Wood -- some clients with charges like this do not want to
17 have that in their possession in custody. So I can't recall
18 whether Mr. Wood kept one. I definitely made it available to
19 him and reviewed it with him.

20 **THE COURT:** All right. Mr. Wood, do you remember
21 going over the written factual basis which the Government filed
22 in this case, the summary of the evidence against you?

23 **THE DEFENDANT:** Yes, ma'am.

24 **THE COURT:** Mr. Wellman, any objections to the factual
25 basis?

1 **MR. WELLMAN:** Your Honor, we would point to -- it
2 would be the last paragraph on page 8, and I guess it's the
3 second to last sentence there regarding the Snapchat
4 communications: "The folder included screen captures of
5 multiple Snapchat communications from Minor-1, as well as
6 deleted images of Minor-1's breasts and genitalia." We would
7 object at this time solely to whether the images were of
8 Minor-1.

9 **THE COURT:** Okay. Thank you. That would not appear
10 to undermine the factual basis for his guilty plea.

11 Do you agree with that?

12 **MR. WELLMAN:** Yes, Your Honor.

13 **THE COURT:** And do you stipulate that there is an
14 independent basis in fact for his guilty plea?

15 **MR. WELLMAN:** We do.

16 **THE COURT:** Ms. DuPre, is there anything you want to
17 add to the factual basis?

18 **MS. DUPRE:** No, Your Honor.

19 **THE COURT:** The Court finds that the Defendant -- I
20 read the factual basis before court, obviously; and it sure
21 appeared to me to be sufficient -- well sufficient to support
22 his guilty plea.

23 I will so find that his plea of guilty is supported by an
24 independent basis in fact containing each of the essential
25 elements of the offense. His plea of guilty is accepted, and

1 the Defendant is adjudged guilty of Count Two, transporting
2 child pornography.

3 The Court directs the probation office -- pardon me. The
4 Court directs the probation department to prepare a presentence
5 report.

6 Mr. Wood, they'll want to talk with you about that. Your
7 attorney can participate in that interview. They'll
8 investigate other things as well.

9 Is he -- does he want the -- is this subject to the
10 psychosexual evaluation, transporting, or is he not wanting
11 that?

12 **MR. WELLMAN:** Your Honor, I did discuss it with him.
13 He would consent to anything Your Honor would order as to that.

14 **THE COURT:** Okay. All right. Well, I'll direct then
15 that the psychosexual evaluation can go forward, and I'll set
16 it out a little bit further to give more time for that.

17 Tuesday, September 29th, at 9:30, if that's all right with
18 everyone?

19 Okay. If it needs to be continued or rescheduled for any
20 reason, you-all just let me know; and if there are any concerns
21 about -- I don't actually know how they're doing those these
22 days.

23 If there ends up being any concerns or problems,
24 Mr. Wellman, you can just file an appropriate motion --

25 **MR. WELLMAN:** Thank you.

1 **THE COURT:** -- and I'll be glad to modify or amend as
2 necessary.

3 I hope we'll be able to do his sentencing hearing in
4 person; that this pandemic will be a distant memory in
5 September. That seems a little unlikely. And if it should --
6 if there should still be either public health reasons which
7 prevent an in-person hearing or if Mr. Wood has particular
8 reasons to be concerned about transport, in combination with
9 whatever the pandemic is doing in September, you know, he --
10 assuming that we're still under the national emergency, then he
11 could consent to a remote hearing for sentencing.

12 But, you know, I like to do sentencing in person. I've
13 always done sentencing in person, and that would be my hope
14 and expectation. But if conditions still make that either
15 impossible or very difficult, then Mr. Wood can consent to a
16 video sentencing hearing if he wants.

17 Mr. Wood, you'll get to make an entirely separate decision
18 about that. You don't have to have a remote sentencing hearing
19 just because you agreed to plead guilty by video.

20 Do you have any questions about that?

21 **THE DEFENDANT:** No, ma'am.

22 **THE COURT:** I hope we'll be able to do it in public.

23 Ms. DuPre, have I forgotten anything from your perspective?

24 **MS. DUPRE:** No, Your Honor.

25 **THE COURT:** Mr. Wellman, did I forget anything? Is

1 there anything else you want to ask me to do?

2 **MR. WELLMAN:** No, Your Honor.

3 **THE COURT:** Mr. Wood, any last-minute questions?

4 **THE DEFENDANT:** No, ma'am.

5 **THE COURT:** Okay. I will see you-all then hopefully
6 in September for the sentencing hearing or otherwise as it is
7 scheduled, and court is adjourned.

8 (Proceedings concluded at 10:33 a.m.)

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C E R T I F I C A T E

13 I, LORI RUSSELL, RMR, CRR, United States District Court
14 Reporter for the Middle District of North Carolina, DO HEREBY
CERTIFY:

15 That the foregoing is a true and correct transcript of the
16 proceedings had in the within-entitled action; that I reported
17 the same in stenotype to the best of my ability and thereafter
reduced same to typewriting through the use of Computer-Aided
Transcription.

18

19



20 Lori Russell, RMR, CRR
Official Court Reporter

Date: 10/21/21

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